

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Richard A. Potts
Debtor(s)

Bankruptcy Case No.: 19-23883-GLT
Issued Per Aug. 26, 2021 Proceeding
Chapter: 13
Docket No.: 65 – 57, 60
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated July 12, 2021 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$2,762 as of September 2021. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Freedom Mortgage Corporation (Claim No. 4) shall govern with all payment changes implemented .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.

The no-look Loss Mitigation fee is stricken.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: August 30, 2021

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
Richard A. Potts
Debtor

Case No. 19-23883-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Aug 30, 2021

User: jhel
Form ID: 149

Page 1 of 2
Total Noticed: 19

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 01, 2021:

Recip ID	Recipient Name and Address
db	+ Richard A. Potts, 4020 Noblestown Road, Oakdale, PA 15071-1291
15179204	+ Borough of Oakdale, c/o Victor S. Kustra, Esquire, 519 Court Place, Pittsburgh, PA 15219-2002
15134260	Borough of Oakdale Water & Sewage, 6115 Noblestown Rd., Oakdale, PA 15071-1347
15134261	++ COLUMBIA GAS, 290 W NATIONWIDE BLVD 5TH FL, BANKRUPTCY DEPARTMENT, COLUMBUS OH 43215-4157 address filed with court:, Columbia Gas Co., P.O. Box 742537, Cincinnati, OH 45274-2537
15141932	+ Chrysler Capital, P.O. Box 961275, Fort Worth, TX 76161-0275
15165843	+ FREEDOM MORTGAGE CORPORATION, Attn: Bankruptcy Department, 10500 KINCAID DRIVE, FISHERS IN 46037-9764
15134262	Freedom Mortgage Corporation, Po Box 50485, Indianapolis, IN 46250-0485
15134263	Phelan Hallinan Diamond & Jones LLP, Attn: Peter Wapner, Esq., 1617 JFK Boulevard, Suite 1400, One Penn Center Plaza, Philadelphia, PA 19103
15151260	+ UPMC, P.O. Box 371980, Pittsburgh, PA 15250-7980

TOTAL: 9

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: rmscedi@recoverycorp.com	Aug 30 2021 23:11:19	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15142672	Email/Text: mrdiscen@discover.com	Aug 30 2021 22:52:00	Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
15169383	+ Email/PDF: gecscdi@recoverycorp.com	Aug 30 2021 23:11:18	Synchrony Bank, c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021
15135053	+ Email/PDF: gecscdi@recoverycorp.com	Aug 30 2021 23:11:53	Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15151259	+ Email/Text: BankruptcyNotice@upmc.edu	Aug 30 2021 22:52:00	UPMC, 2 Hot Metal Street, Room 386, Pittsburgh, PA 15203-2348
15166352	Email/PDF: EBN_AIS@AMERICANINFOSOURCE.COM	Aug 30 2021 23:11:21	Verizon, by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457
15141127	+ Email/Text: bankruptcy@firstenergycorp.com	Aug 30 2021 22:52:00	West Penn Power, 5001 NASA Blvd, Fairmont WV 26554-8248
15134264	Email/Text: bankruptcy@firstenergycorp.com	Aug 30 2021 22:52:00	West Penn Power Company, 76 S. Main Street, Akron, OH 44308-1890
15170179	+ Email/Text: peritus@ebn.phinsolutions.com	Aug 30 2021 22:53:00	Westlake - C/O Peritus Portfolio Services, P.O. Box 141419, Irving, TX 75014-1419
15134265	Email/Text: bankruptcynotice@westlakefinancial.com	Aug 30 2021 22:52:00	Westlake Financial Services, PO Box 76809, Los Angeles, CA 90076-0809

TOTAL: 10

District/off: 0315-2

User: jhel

Page 2 of 2

Date Rcvd: Aug 30, 2021

Form ID: 149

Total Noticed: 19

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		FREEDOM MORTGAGE CORPORATION
15151255	*	Borough of Oakdale Water & Sewage, 6115 Noblestown Rd., Oakdale, PA 15071-1347
15178434	*P++	COLUMBIA GAS, 290 W NATIONWIDE BLVD 5TH FL, BANKRUPTCY DEPARTMENT, COLUMBUS OH 43215-4157, address filed with court:, Columbia Gas of Pennsylvania, PO Box 117, Columbus, OH 43216
15151256	*P++	COLUMBIA GAS, 290 W NATIONWIDE BLVD 5TH FL, BANKRUPTCY DEPARTMENT, COLUMBUS OH 43215-4157, address filed with court:, Columbia Gas Co., P.O. Box 742537, Cincinnati, OH 45274-2537
15151257	*	Freedom Mortgage Corporation, Po Box 50485, Indianapolis, IN 46250-0485
15151258	*	Phelan Hallinan Diamond & Jones LLP, Attn: Peter Wapner, Esq., 1617 JFK Boulevard, Suite 1400, One Penn Center Plaza, Philadelphia, PA 19103
15151261	*	West Penn Power Company, 76 S. Main Street, Akron, OH 44308-1890
15151262	*	Westlake Financial Services, PO Box 76809, Los Angeles, CA 90076-0809

TOTAL: 1 Undeliverable, 7 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 01, 2021

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 30, 2021 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor FREEDOM MORTGAGE CORPORATION bnicholas@kmlawgroup.com
Jerome B. Blank	on behalf of Creditor FREEDOM MORTGAGE CORPORATION pawb@fedphe.com
Kenneth Steidl	on behalf of Debtor Richard A. Potts julie.steidl@steidl-steinberg.com ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;todd@steidl-steinberg.com;cgoga@steidl-steinberg.com;rlager@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com
Mario J. Hanyon	on behalf of Creditor FREEDOM MORTGAGE CORPORATION wbecf@brockandscott.com mario.hanyon@brockandscott.com
Office of the United States Trustee	ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com
Thomas Song	on behalf of Creditor FREEDOM MORTGAGE CORPORATION pawb@fedphe.com

TOTAL: 7